

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

*In Re* Flint Water Cases

No. 5:16-cv-10444

HON. JUDITH E. LEVY

MAG. MONA K. MAJZOUB

---

**STATE DEFENDANTS' DISCOVERY  
COORDINATION PROTOCOL ORDER DISCLOSURE**

State Defendants provide the following information regarding depositions and discovery requests from cases “arising out of contamination of the City of Flint municipal water supply” as required by the Discovery Coordination Protocol Order. (Dkt. 566.)

1. State Defendants have participated with other parties in the service of four non-party, documents-only subpoenas to the U.S. Environmental Protection Agency, Genesee County Health Department, Virginia Polytechnic Institute and State University, and Professor Marc Edwards in *In re Flint Water Cases*, Case No. 5:16-cv-10444-JEL-MKM. These subpoenas were served on June 15, 2018, but documents have not yet been produced in response.

2. Counsel for Nick Khouri, Michigan State Treasurer, and the members of the Receivership Transition Advisory Board (RTAB), in their official capacity, participated in the following depositions in *Concerned Pastors for Social Action, et al., v. Khouri, et al.*, 2:16-cv-10277-DML-SDD.

<b>Deponent Name:</b>	<b>Noticed by:</b>	<b>Date of Deposition:</b>	<b>Recorded by</b>	<b>Confidentiality or protective order?</b>
Dr. Daniel E. Giammar	Richard Kuhl on behalf of Nick Khouri and the members of the RTAB	July 27, 2016	Transcribed	No
Dr. Bruce P. Lanphear	Richard Kuhl on behalf of Nick Khouri and the members of the RTAB	July 14, 2016	Transcribed	No
Cynthia Roper	Richard Kuhl on behalf of Nick Khouri and the members of the RTAB	July 29, 2016	Transcribed	No
Chris Kelenske	Dimple Chaudhary on behalf of NRDC <sup>1</sup>	July 8, 2016	Transcribed and videotaped	No
JoLisa McDay	Dimple Chaudhary on behalf of NRDC	July 7, 2016	Transcribed	No
Rodney Branch	Dimple Chaudhary on behalf of NRDC	July 6, 2016	Transcribed	No

---

<sup>1</sup> Natural Resources Defense Council

Dawn Steele	Dimple Chaudhary on behalf of NRDC	July 6, 2016	Transcribed	No
-------------	------------------------------------	--------------	-------------	----

3. Counsel for the Michigan Department of Education participated in depositions in *D.R., et al., v. Michigan Department of Education*, 2:16-cv-13694-AJT-APP. This case arguably does not “aris[e] out of contamination of the City of Flint municipal water supply,” and State Defendants in the instant case are not parties in *D.R. v. MDE*. Nonetheless, State Defendants are providing the information below to promote discovery coordination.

<b>Deponent Name:</b>	<b>Noticed by:</b>	<b>Date of Deposition:</b>	<b>Recorded by</b>	<b>Confidentiality or protective order?</b>
Melinda Carroll (FCS <sup>2</sup> )	Gregory G. Little on behalf of Plaintiffs	November 9, 2017	Audio and videotaped	No
Cheri Wager (GISD <sup>3</sup> )	Gregory G. Little on behalf of Plaintiffs	November 20, 2017	Audio and videotaped	No
Steven Polega (GISD)	Gregory G. Little on behalf of Plaintiffs	November 20, 2017 [cont’d per Plaintiffs, but objected to by GISD]	Audio and videotaped	No
Bilal Tawwab (FCS)	Gregory G. Little on	November 21, 2017	Audio and videotaped	No

---

<sup>2</sup> Flint Community Schools

<sup>3</sup> Genesee Intermediate School District

	behalf of Plaintiffs			
Teri Chapman (MDE)	Gregory G. Little on behalf of Plaintiffs	November 21, 2017	Audio and videotaped	No
Harmonee Costello (MDE)	Gregory G. Little on behalf of Plaintiffs	November 22, 2017	Audio and videotaped	No
Dr. David J. Schretlen (MDE expert)	Gregory G. Little on behalf of Plaintiffs	November 22, 2017	Audio and videotaped	No
Kristine Keranen (lay witness)	Travis Comstock on behalf of MDE	November 22, 2017	Audio	Yes
Eddie Thomas (FCS)	Gregory G. Little on behalf of Plaintiffs	[adjourned - date TBD]		
Maria Boyd-Springer (FCS)	Gregory G. Little on behalf of Plaintiffs	[adjourned - date TBD]		
Joyce Pratt (FCS)	Gregory G. Little on behalf of Plaintiffs	[adjourned - date TBD]		
Shelley Umphrey (FCS)	Gregory G. Little on behalf of Plaintiffs	[adjourned - date TBD]		
GISD's Rule 30(b)(6) deponent	Gregory G. Little on behalf of Plaintiffs	[adjourned - date TBD]		
MDE's Rule 30(b)(6) deponent(s) – Joanne Winkleman; Jessica	Gregory G. Little on behalf of Plaintiffs	[adjourned - date TBD]		

Brady; and Jeanne Anderson Tippett				
Dr. Theodore Lidsky	Zach Larsen on behalf of MDE	[adjourned – date TBD]		
Dr. Vicky Sudhalter	Zach Larsen on behalf of MDE	[adjourned – date TBD]		

In addition, Zach Larsen, counsel for MDE served a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action on the Genesee County Health Department on or about October 17, 2017. Responses to the subpoena were produced, which were subject to a protective order.

Respectfully submitted,

Eugene Driker (P12959)  
Morley Witus (P30895)  
Todd R. Mendel (P55447)  
Special Assistant Attorneys  
General for Governor Richard  
D. Snyder  
Barris, Sott, Denn & Driker,  
PLLC  
333 W. Fort Street, Suite 1200  
Detroit, MI 48226  
(313) 965-9725  
edriker@bsdd.com  
mwitus@bsdd.com  
tmendel@bsdd.com

Dated: August 31, 2018

/s/ Margaret A. Bettenhausen  
Richard S. Kuhl (P42042)  
Margaret A. Bettenhausen (P75046)  
Nathan A. Gambill (P75506)  
Zachary C. Larsen (P72189)  
Assistant Attorneys General  
Environment, Natural Resources,  
and Agriculture Division  
Attorneys for State Defendants  
P.O. Box 30755  
Lansing, MI 48909  
(517) 373-7540  
kuhlr@michigan.gov  
bettenhausenm@michigan.gov  
gambilln@michigan.gov  
larsenz@michigan.gov

## CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2018 I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record. A copy of this document was sent via U.S. mail to the chambers of Honorable Judith E. Levy.

Respectfully submitted,

/s/ Margaret A. Bettenhausen

Eugene Driker (P12959)  
Morley Witus (P30895)  
Todd R. Mendel (P55447)  
Special Assistant Attorneys  
General for Governor Richard  
D. Snyder  
Barris, Sott, Denn & Driker,  
PLLC  
333 W. Fort Street, Suite 1200  
Detroit, MI 48226  
(313) 965-9725  
edriker@bsdd.com  
mwitus@bsdd.com  
tmendel@bsdd.com

Richard S. Kuhl (P42042)  
Margaret A. Bettenhausen (P75046)  
Nathan A. Gambill (P75506)  
Zachary C. Larsen (P72189)  
Assistant Attorneys General  
Environment, Natural Resources,  
and Agriculture Division  
Attorneys for State Defendants  
P.O. Box 30755  
Lansing, MI 48909  
(517) 373-7540  
kuhlr@michigan.gov  
bettenhausenm@michigan.gov  
gambilln@michigan.gov  
larsenz@michigan.gov